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Testimony for Reconciliation Hearings

My name is Charlotte K. Batalona, I am a sixth generation descendant and a resident of Maunalaha Valley and president of the Maunalaha Valley Community Association.

#### Current Conditions

The residents of Maunalaha Valley have a 65 year lease with the Department of Land and Natural Resources (DLNR). 31 leases were signed and issued in 1983. Since the signing of our leases in 1983 we have been trying to improve our living conditions. Currently 8 lots has no infrastructure. Some of these lots have residents living on the property. One resident tried to install utilities and has worked with Hawaiian Electric (HECO). However, according to Hawaiian Electric after they contacted DLNR, they were informed by DLNR that there is no access to the property, even though state maps shows utilities access.

There are 8 homes that are substandard and some have actually collapsed leaving residents to live in tents on their property while they struggle to rebuild. One resident whose house collapsed on them, is a Honolulu Habitat for Humanity partner. Habitat may not be able to help this family as the cost of upgrading infrastructure would double the cost of the house which Habitat cannot afford. Another family qualified as a Habitat partner, however they may not be able to build a house due to the fact the cost of attaining basic utilities that would double the cost of the house, again making it too costly for Habitat. (This is the same resident who tried to install electricity as previously mentioned.) Office of Hawaiian Affairs (OHA) granted Habitat monies for technical assistance in house construction but with the many infrastructure needs, this money was insufficient and had to be put on hold. A letter from Honolulu Habitat will support the problems faced by them in doing self-help homes. OHA is very well aware of the conditions in Maunalaha.

The first water meter installed in Maunalaha dates back to March 18, 1930. Most of the water lines that feeds the community haven't been updated since. In the past two years there were several breaks in the line on our main road which feeds several homes, in which the Board of Water Supply has made repairs or "patches". There are no water hydrants in Maunalaha. Fire crews responding to a tree fire caused by the electric line rubbing against the trunk had to use a residents garden hose to put out the fire. A house fire was dowsed by two residents who carried buckets of water from the stream. Luckily they caught before it was out of control and did it before fire crews responded. This is one of the lots without infrastructure.

The first electric pole installed in the Maunalaha dates back to 1934. At that time the residents, our kupunas, purchased the pole from Hawaiian Electric to bring electricity in to the valley. The lines are outdated and unable to handle most of the basic needs of the residents. HECO had to install an additional transformer to handle the increase. A resident almost lost her home after a tree limb fell on the electric line, causing a major surge. The tree was being trimmed by HECO contractors.

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Maunalaha Valley Community Association

Emergency vehicles have a very difficult time responding to Maunalaha residents calls for help due to the fact that the road is not wide enough. The residents did a partial road widening project in which we built a retaining wall and filled in the road. This was done with our own funds. A recent incident with a resident calling for an ambulance resulted in the ambulance driver backing up all the way in. The ambulance driver was very upset by the time he reached the resident. It is a relatively steep, windy, narrow road with no street lights.

**Legislative History**

Since 1994, 11 years after the signing of our leases to current date we have been asking the legislature for assistance:

**HCR 443, H.D. 3, 1994** requesting DLNR to develop a plan including funding proposals, to enable those leasing land from the DLNR in Maunalaha to improve their existing homes or to construct new homes in an environmentally sensitive manner.

**SB 596, S.D. 1, H.D. 1, 1995** relating to housing requesting 1) HFCD to establish and administer a home construction and loan improvement program; 2) Exempt the Maunalaha subdivision from all state and county subdivision and housing development standards; and 3) DLNR shall commence transfer of Maunalaha to OHA. Passed by House and Senate. Vetoed by Governor.

**HB 3602, H.D. 1, S.D. 1, 1996** relating to housing exempting Maunalaha from all state and county subdivision and housing development standards to conduct a self-help housing project conducted by OHA. Bill killed in Finance Committee.

**HCR 139, HR 140, 1996** strongly urging DLNR to transfer jurisdiction over the area known as Maunalaha to OHA.

**HCR 199, HR 55, 1998** requesting DLNR to provide infrastructure to Maunalaha Valley so that the residents holding long term leases can live properly.

To date DLNR has not been able to make improvements in Maunalaha. The Maunalaha residents are entitled to basic living conditions enjoyed by all the residents of the State of Hawaii. We are uniting in one voice requesting your support in passing SB460.

Mahalo for your support and consideration,



Charlotte K. Batalona

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oha,

Maunalaha Valley is a little Native Hawaiian Community situated on the lower slopes of Round Top in Makiki. As descendants of the original settlers of this valley, we are requesting your assistance.

Prior to western contact the area presently called Maunalaha Valley was actually an Ili of Poloke located on the land called Opu. It was crown lands until the Great Mahele. Historical evidence establishes early settlers to reside in Maunalaha as early as 1800.

At the time of the Great Mahele in the year 1848, Keawehano a high ranking chief was awarded a parcel of land. Mahele Award 11, 1/2 ili of Poloke from King Kamehameha III to Keawehano. To be issued as Royal Patent 6715, Ili of Poloke in Makiki in 1872. Chief Keawehano gathered his people and family to tend, cultivate and preserve the land. This the Maunalaha families did to hold and enrich their bloodline for all time.

Through the years this community grew and kept their lifestyle and abided by the laws that were fast becoming a threat to them. Up until the overthrow of the Monarchy, they were left alone. On April 10, 1889 some of the families were *GIVEN* permission to live and cultivate on government land on the lower slopes of Round Top for "which privilege they shall pay \$2.00 and a half per annum to the Minister of Interior, Mr. L.A. Thurston." The valley residents were given permission to live on land they were already living on. In 1910 the Territory adopted the Organic Act, thus setting aside government lands for Conservation District.

Documentation of the names of the families living within the Ili of Opu and the governments express consent to permit them to live there first appears in 1887 and further documentation by the Interior Department appears again in 1891. Of all the names that appear on the 1887 permits, at least one, Kalalakoa, is significant because that family has produced an extended kinship into the present ninth-line generation, who continues to reside within this valley. All the residents of the valley has roots prior to 1889 as documented by Na Kupuna still living there and by government permits. The Maunalaha residents continued to reside on Opu, Makiki, during the changes of government, from the Kingdom of Hawaii, to the Republic, to the Territory and finally to the State of Hawaii.

In 1913, Mrs. Mary Duchalsky, (Tutu Mele) descendant of Kalalakoa, and ancestor to many of the residents, filed her first Preference Rights to Purchase, Affidavit and Application in accordance with the Hawaiian Organic Act. However Land Commissioner Tucker failed to act on her application in a timely manner.

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While the land commissioner's approval was pending, the government issued an executive order setting aside portions of Makiki including Maunalaha Valley as a forest reserve. The Land Commissioner then denied her application due to the set aside.

Despite the denial of her application, she submitted numerous Preference Rights to Purchase, Affidavits and Applications throughout the years, as with other residents of the Maunalaha Valley through her attorney, then House of Representatives, Norman K. Lyman of Hilo. The commissioners only response was to placate Tutu Mele by issuing a 30-day permit and assuring her in a letter dated October 18, 1919 from the Commissioner Charles T. Bailey that "you will have not difficulty having this permit renewed from time to time if necessary." Thus while the Land Commissioner denied the residents the property in fee simple, he expressly intended to permit these residents continuous possession of the property. The result of this policy has been that the Maunalaha residents have been in continuous possession of the property for over 100 years. For sixty-two of those years, the residents were on a month to month 30 day revocable permit inconsistently, because no one agency took the time to monitor their existence. During the era, while Maunalaha residents were repeatedly denied the right to purchase, areas above and around Maunalaha Valley were being sold to more affluent people for \$2 per acre.

Clearly the intent of all the governments of Hawaii were to leave the Maunalaha Valley residents in their homes in harmony with the environment and their geographical setting. This is plainly evidenced by the government's total non-interference with the valley residents since the Government of Hawaii took jurisdiction over them in 1887.

From 1913 to 1923, Tutu Mele and the Maunalaha residents continued to file Preference Rights Applications. In 1915, all the residents were issued revocable permits. In 1917 the residents filed another Preference Rights claim and continued for several years. In 1928 a Mormon Church was built by the residents. Papa James Kauihou was our Pastor. In the 1930's the valley was well established, water lines were laid, 12 utility poles were installed in increments and paid for by the residents.

Maunalaha Valley was known for it's vast supply of plumeria fields which supplied flowers for the valley women and most of Honolulu's lei sellers. On Nov. 8, 1932, Tutu Mele passed away in her sleep and all Preference Right claims were discarded shortly thereafter by the government. She died in the valley she loved and fought hard to keep.

In the 1940's, Aunty Bella Moses opened a valley store. She also established the only lei stand that exists today in Waikiki, located at the Royal Hawaiian Shopping Center. It is still owned by the family and operated by her grandchildren. Our men fought in World War II, one young man from the valley, named PFC Roy Boner, was killed in action as a hero. An airfield is named after him. The Boner family still resides in the valley today. Sol Hoopi'i Ka'ai a very well know steel guitarist and musician came from Maunalaha. He is also a descendent of Tutu Mele.

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In 1947, the residents were informed by Mr. Walter W. Holt, the Territorial Forester at that time, that a \$5 fee would be charged to the residents for the use of the land. Unknown to the residents that they were being shuffled between the Board of Commissioners, Agriculture and Forestry and the Land Commissioner, who were trying to find ways to phase them out of the valley. To the Board of Water Supply and finally, the Department of Land and Natural Resources (DLNR). Finally the residents were left alone again, but they continued to pay their \$5 rental fee.

In 1977 the residents were threatened with eviction to create a state park. The State of Hawaii claiming no knowledge to their existence in the valley, and declaring that the residents were "squatters" who did not belong there. The Maunaloa Valley Community Association was formed. Legal Aid was contacted and after numerous meetings with DLNR, we were told that "we fell in the cracks," that there were no state laws that pertain to our situation. It was suggested at that time by Governor Ariyoshi that we create a law to address our unique situation for our benefit. The Maunaloa Valley Community Association and the residents then worked with different state agencies, along with Legal Aid and others, to lobby at the Legislature to create laws that could prevent us from eviction. Finally in 1981 we were instrumental in creating HB511 which became Act225, A bill relating to Public lands. Granting 65 year residential leases on conservation lands. This process took 6 years. We signed our lease agreement with DLNR on Dec. 12, 1983 in Maunaloa Valley.

Little did we know how many complications and obstacles we would encounter. Although this Act paved the way for longevity it did not serve to better our living conditions. We have done our own repairs to our road. Maintain condition of road for safety. Because of the lease restrictions we are not able to make home loans to repair or rebuild our homes. Some of the conditions of the homes are very bad. Walls and roof falling down on them. Some of our residents have been working with Honohu Habitat for Humanity in building a new home. To date one is completed, one is in process, and another family has been accepted as a partner. We were also working with OHA's self-help homes. The minimum amount of families that needed to participate were eight. Although, there were eight or more families with the need not all could commit at the same time. Project did not get started. OHA's housing division realized the need for housing in the valley, that they provided Habitat a grant of \$80,000 at \$10,000 per lot for technical assistance. Even with this money, Habitat wasn't able to assist Maunaloa residents because of infrastructure costs.

This is just a brief summary to provide you with the history of Maunaloa to the present day concerns and needs.

Sincerely,



Charlotte K. Batalona, President